IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.5506 of 2006
DATE OF ORDER: 24.4.2007

Bharat Bhushan

...Petitioner(s)

Versus

Mrs Anita Sharma & Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Sandeep Vermani, Advocate.
Mr. Puneet Jindal, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 25.7.2006 passed by Civil Judge(Jr.Divn.), Jalandhar whereby application for amendment of the plaint filed by the plaintiff-petitioner was dismissed.

By way of amendment, plaintiff wanted to reduce the area of the property from 12 marla to six and half marla and wanted to change the boundaries.

Counsel for the respondent argues that no such amendment could be allowed.

On behalf of the petitioner, it is stated that the petitioner had even offered to withdraw the suit and had made application to withdraw under Order 23 Rule 1 CPC, which was dismissed by the trial Court after filing of the present petition.

It comes out that suit was for permanent injunction. Application for amendment was made after filing of written statement. However, suit had not proceeded further.

In the facts and circumstances of the case, petition is disposed of with liberty to the petitioner to withdraw the suit and file fresh suit on the same cause of action subject to payment of Rs.2000/- as costs.

Counsel for the respondent opposes this permission.

April 24, 2007 (M.M. AGGARWAL)
manoj JUDGE